



MEMORANDUM

TO: District of Columbia Board of Zoning Adjustment

FROM: Arthur Jackson, Case Manager
Joel Lawson, Associate Director Development Review

DATE: October 29, 2013

SUBJECT: **BZA Case 18650** – Special exception relief in accordance with § 223 for a two-story addition to an existing two-story dwelling located at 3400 Morrison Street NW

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of relief in accordance with § 223 from:

- § 401.3 (a minimum rear yard of 25 feet is required, 6.25-10.00 feet is proposed); and
- § 2001.3 (b)(2) (because this proposal would render the existing nonconforming rear yard setback more nonconforming).

II. LOCATION AND SITE DESCRIPTION:

Address:	3400 Morrison Street NW
Legal Description:	Square 1995, Lot 0010
Ward:	3G
Lot Characteristics:	An irregularly shaped corner lot with an approximate area of 5,415-square feet (0.12 acre) and frontages along Morrison Street NW, Broad Branch Road NW and an alley that is 15-feet wide (refer to Figure 2). A building restriction line also extends across the property a distance of 15-feet back from both street frontages.
Zoning:	<i>R-1-B</i> – one-family detached dwellings with accessory garages are allowed as a matter of right.
Existing Development:	A two-story dwelling of masonry construction with a one-vehicle accessory garage (refer to Figure 1). A driveway from the alley allows vehicular access to the garage. There are mature deciduous tree in the grassy rear yard which is surrounded by a wooden board-on-board fence that appears to be 4-feet in height. The application also indicates that the existing dwelling was constructed prior to May 12, 1958 so that it predates the current Zoning Regulations.
Historic District:	None
Adjacent Properties:	Two-story detached dwellings of similar scale.

III. PROJECT DESCRIPTION IN BRIEF

Applicant	Jonathan Carr (the owner of record) and Colston Carr
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Proposal:	<p>To construct a 2-story addition of masonry construction to the western façade of the dwelling and replace the existing garage with a one-vehicle parking pad.</p> <p>The following explanation of yard locations is provided for clarity:</p> <ul style="list-style-type: none">• Open spaces between the dwelling, and northern and eastern boundaries along Morrison Street and Broad Branch Road (with the building restriction line) form the front yard.• Space between the dwelling and the western boundary and public alley is deemed the side yard.• Space between the dwelling and angled southern boundary is the rear yard. <p>The dwelling rear yard setback ranges from 6.25-15.8 feet which is less than the 25 feet required in the R-1-A District under § 404.1. However, since the property predates the current Zoning Regulations, the current rear yard setback is legally nonconforming. Construction of the proposed 13.4 x 31.9-foot addition would reduce the existing side yard setback from 20.7 feet to 7.3 feet (less than the minimum 8 feet required under § 403.1) and further reduce the nonconforming rear yard setback to 6.25-14.1 feet. The applicant wrote a letter to Zoning Administrator explaining the unique circumstances on this site and requesting a 10% reduction in the required side and rear yard setbacks in accordance with § 407.1. Zoning Administrator responded by granting the requested minor flexibility in an email dated August 2, 2013.</p> <p>Although the side yard setback requirement was reduced to the 7.3 feet shown on the submitted plan, the rear yard requirement still <i>exceeds</i> the proposed rear setback. The shallower rear yard would also make this setback more nonconforming.</p> <p>As a result, this request was submitted for special exception relief.</p>
Relief Sought:	<p>Relief in accordance with § 223 from the required rear yard setback and from regulation standards for the expansion of nonconforming structures.</p>

IV. ZONING REQUIREMENTS

R-4 District	Regulation	Existing	Proposed ¹	Relief
Rear Yard (ft.) § 404.1	25 feet	6.25-15.8 feet	6.25-10.0 feet	-15-18.75 feet

Section 2001.3 of the regulations also states:

§ 2001.3 Enlargements or additions may be made to the structure; provided:

- (a) The structure shall conform to percentage of lot occupancy requirements, except as provided in § 2001.13; and*
- (b) The addition or enlargement itself shall:*
 - (1) Conform to use and structure requirements; and*
 - (2) Neither increase or extend any existing, nonconforming aspect of the structure; nor create any new nonconformity of structure and addition combined.*

¹ Information provided by applicant.

Accordingly, relief is required from § 2001.3 (b)(2) because the existing nonconforming rear yard setback would become *more* nonconforming.

V. **OP ANALYSIS**

Special exception relief in accordance with § 223 from §§ 404.1 and 2001.3 (b)(2)

*223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, **404**, 405, 406, and **2001.3** shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

One-family detached dwellings and accessory garages are permitted uses in this zone district. The application requests special exception relief under § 223 from § 404 because the proposed addition would further encroach into the required rear yard and from § 2001.3 (b)(2) because the existing nonconforming rear yard setback would become more nonconforming.

223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:

(a) The light and air available to neighboring properties shall not be unduly affected;

The proposed addition would not impact the air and light available to the neighboring properties.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;

Views from the addition toward neighbors would not be substantially different from what current exists. As a result, OP does not anticipate that the privacy of use and enjoyment of neighboring properties would be unduly compromised. A letter dated May 22, 2013, in the application from the neighbors living across the alley at 3401 Morrison Street NW, expressed no objection to the addition.

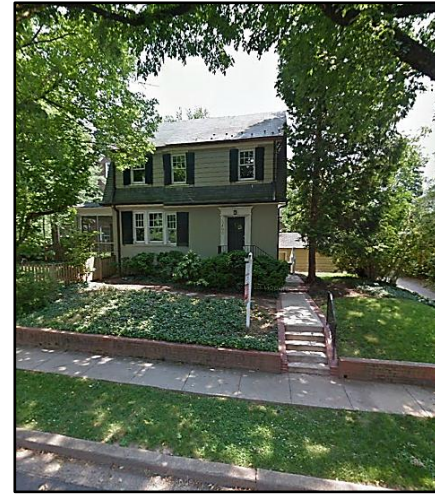
(c) The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and

It does not appear that the proposed addition, as viewed from the street and alley, would not visually intrude upon the character, scale, and pattern of houses along the street frontage.

(d) In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

Submitted plans and photographs were sufficient.

Figure 1



- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the **R-1** and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The proposed 25% lot occupancy is less than the 40% allowed in the R-1 District as a matter of right.

- 223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

No special treatment is recommended

- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

Granting this request would not introduce or expand a nonconforming use.

Based on this analysis, the applicant meets the standards for special exception approval.

VI. AGENCY COMMENTS

The District Department of Transportation stated in a memorandum dated September 20, 2013, that it has no objection to the approval of the requested special exception.

VII. COMMUNITY COMMENTS

During an Advisory Neighborhood Commission (ANC) 3/4G meeting on September 12, 2013, no issues were raised about this proposal.

Figure 2

